



# Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

May 14, 2019

VIA E-MAIL

To: MANUFACTURED HOUSING STATE ASSOCIATION STAFF EXECUTIVES

Re: MHARR's "Fighting Discriminatory Zoning Mandates" Project

Dear Friends:

As you know, the utilization and placement of federally-regulated manufactured homes in large areas of the United States is either excluded or discriminatorily restricted by local zoning mandates. These mandates have drastically limited affordable housing opportunities for millions of lower and moderate-income Americans, while unfairly burdening and restricting the growth and expansion potential of the HUD Code manufactured housing industry. The same mandates also constitute a direct impediment to the accomplishment of the most important and fundamental statutory objective of the Manufactured Housing Improvement Act of 2000, which seeks to "facilitate the availability of affordable manufactured homes and ... increase homeownership for all Americans."

While many of you and your respective associations have done your utmost to address and resolve such injustices within your individual states, the absence of a collective, organized and aggressive national effort to confront and eliminate these discriminatory zoning and placement mandates has -- and will continue -- to take a heavy toll on both our industry and consumers of affordable housing. Indeed, with the industry's hard-working manufacturers, retailers and communities producing and offering their best homes ever, the aggressive application of the legislative mandates contained in the 2000 reform law to challenge, oppose and correct this long-standing and worsening nightmare for the industry and its consumers, is no longer an option, but a moral obligation for all who seek to advance the industry and its products.

Based on all of this, the MHARR Board of Directors, at its March 27, 2019 meeting, carefully considered the extremely detrimental impact of such discriminatory zoning and placement mandates. And, given the absence of an independent, unbiased, objective, national representative for the industry's post-production sector, the Board ultimately concluded that action

would be necessary by MHARR – in cooperation with as many state associations as appropriate and warranted -- to take the lead in addressing this zoning and placement crisis; thus the establishment of this “Fighting Discriminatory Zoning Mandates” project.

Now, therefore, MHARR, with your help and assistance, will begin to gather information from around the United States regarding the nature, extent and specific impact of such discriminatory mandates, and take action, as appropriate, within its sole discretion, designed to either eliminate or ameliorate specific, selected discriminatory mandates based on as much accurate and factual information as can reasonably be collected.

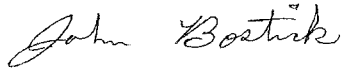
For these reasons, MHARR now seeks input and information from you, regarding the existence of specific and particularly egregious discriminatory local exclusions and/or restrictions on the siting and/or placement of both individual manufactured homes on privately-owned land and manufactured home communities within your state, for information-gathering, analysis, evaluation and potential follow-up by the Association, including possible litigation, if so determined by MHARR in its sole discretion. Through this initial process, MHARR seeks to gather information targeting a total of approximately one-dozen of the most egregious cases in various states where federally-regulated manufactured homes have either been excluded altogether or discriminatorily restricted by local ordinances.

As for the legal aspects and related costs of subsequent phases of this project, MHARR has – and continues to maintain -- that the enhanced federal preemption provision of the 2000 reform law provides the industry with the opportunity to target the two most egregious available cases (i.e., a single home on privately-owned land and a land-lease community) to be challenged and pursued, if necessary, to the Supreme Court, as appropriate and necessary. By taking this action for the first time under the specific enhanced preemption provision of the 2000 reform law, that case, if won on the merits, would establish the needed precedent to challenge other similar instances of discriminatory exclusion. Needless to say, however, this would be a costly undertaking. Following the initial phase, therefore, MHARR would consult with the selected landowner/developer and state association involved, to determine and establish specific logistics for the legal aspects of the following phases and relevant costs of the project, and would do the same for the selected landowner and state association in the single home on privately-owned lot case.

Consequently, we ask that you consult with your Association’s Board on this matter and, within the next thirty-days -- and utilizing the attached self-explanatory and easy-to-use forms -- provide feedback to MHARR regarding local-level ordinances that impose either an outright exclusion of HUD Code manufactured homes or restrictions that discriminate against HUD Code homes. More specifically, MHARR seeks, from each state, the two most egregious examples of such exclusionary and/or discriminatory mandates within that state – one involving the development, placement, expansion, or redevelopment of a manufactured housing land-lease community, and one involving individual home placements on privately-owned land. MHARR, will then follow-up as it determines to be appropriate and prudent, and will share its findings with participating state associations as the project moves forward.

MHARR thanks you in advance for your cooperation and assistance in this crucial undertaking for both the industry and its consumers.

Sincerely,



John Bostick  
MHARR Chairman



Mark Weiss  
MHARR President & CEO

cc: MHARR Members  
Manufactured Housing Retailers, Communities and Finance Companies

Attachments



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## MHARR “FIGHTING DISCRIMINATORY ZONING MANDATES” PROJECT

MAY 14, 2019

### FORM FOR A COMMUNITY DEVELOPMENT

Please type/print and return by mail or Federal Express to MHARR no later than June 14, 2019.

TO: MHARR

Per your request, below and attached are basic information concerning a HUD Code manufactured housing community in our state, the construction or expansion of which, within the past year, has been denied, refused or otherwise blocked by a local governmental authority, by or through a discriminatory or exclusionary zoning ordinance and action.

1. Name of the proposed (or existing) manufactured housing community?
2. Would the community would be new, or an expansion of an existing community?
3. Location (state, county and/or municipal corporation, if applicable) of the proposed or existing community.

State: \_\_\_\_\_

County (or other governing jurisdiction): \_\_\_\_\_

Street address (No P.O. Boxes): \_\_\_\_\_

Zip Code: \_\_\_\_\_

- 4 (a) Gross area (in acres) to be developed (or expanded): \_\_\_\_\_  
(b) Net area (in acres) to be developed (or expanded): \_\_\_\_\_  
(c) Total number of home sites to be developed (or added): \_\_\_\_\_  
(d) Community (or expanded) density, based on home sites per net acre: \_\_\_\_\_  
(e) Number of phases in which the new community or expansion of existing community will occur: \_\_\_\_\_

5. Name of principal community owner/developer: \_\_\_\_\_

6. Address, telephone number(s) and email address for principal community owner/developer.

Street address (No P.O. Boxes): \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone numbers: \_\_\_\_\_

Cell phone numbers: \_\_\_\_\_

7. Name of governing authority (jurisdiction and function) which last ruled on the community owner/developer's zoning application: \_\_\_\_\_

8. Address, telephone number(s) and other applicable contact information for the governing authority which last ruled on the community owner/developer's zoning application.

Street Address (No P.O. Boxes): \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone numbers: \_\_\_\_\_

Cell phone numbers: \_\_\_\_\_

9. Name and contact information for highest-ranking full-time staff individual responsible for the authority which denied the owner/developer's zoning application.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contact information: \_\_\_\_\_

10. Attach to this form the final written decision of the governing authority which rejected the subject zoning application, together with any separate explanatory opinions, statements or justifications.

11. Is the proposed development a land-lease community or a community with homeowner-owned lots?

12. What is the latest status of the rejected zoning application for the proposed development? Please use separate sheets and attachments as necessary to explain relevant information pertaining to the zoning application, including, but not limited to, date filed, procedure involved, initial decision, intermediate appeals (if any), final decision, date of final decision, etc. Also, please attach any initial rejection, appeal documents, final decision, and transcripts (if any) of hearings or presentations.

13. Is the community owner/developer willing to participate in further proceedings/actions to advance the application and/or overrule a final administrative rejection of the underlying application to the highest court, either state or federal?

14. Is the community owner/developer a dues-paying member in good standing of the below-named state manufactured housing (or community) association?

15. Please state any other available relevant and/or helpful information that you can provide regarding this matter.

Submitted by: \_\_\_\_\_ (Highest-ranking full-time association staff).

Title: \_\_\_\_\_

Name of state association: \_\_\_\_\_

Street address (No P.O. Boxes): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

Signature: \_\_\_\_\_





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## MHARR “FIGHTING DISCRIMINATORY ZONING MANDATES” PROJECT

MAY 14, 2019

### FORM FOR INDIVIDUAL/PRIVATE LAND

Please type/print and return by mail or Federal Express to MHARR no later than June 14, 2019.

TO: MHARR

Per your request, below and attached are basic information concerning a HUD Code manufactured home in our state, the placement of which on private land, within the past year, has been denied, refused or otherwise blocked by a local governmental authority, by or through a discriminatory or exclusionary zoning ordinance.

1. Location of the private land (state, county and/or municipal corporation)?
2. Size -- in acres or fractions of acres – of the subject parcel? \_\_\_\_\_
3. Are there other residences already situated on this parcel? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the parcel served by a public water source? Yes \_\_\_\_\_ No \_\_\_\_\_
6. Is the parcel served by a public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_
7. Will the landowner live in the home or will the home be rented? Yes \_\_\_\_\_ No \_\_\_\_\_



8. Is the subject parcel currently zoned for residential use? Yes \_\_\_\_\_ No \_\_\_\_\_

9. If not, what is the parcel's current zoning status? \_\_\_\_\_

10. Are parcels adjacent to the subject parcel zoned exactly the same as the subject parcel?  
Yes \_\_\_\_\_ No \_\_\_\_\_

11. What is the name, address and telephone number(s) of the principal landowner?

Name: \_\_\_\_\_

Street address (No P.O. Boxes): \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone numbers: \_\_\_\_\_

Cell phone numbers: \_\_\_\_\_

12. Name of governing authority (jurisdiction and function) which last ruled on the landowner's zoning application. \_\_\_\_\_

13. Address, telephone number(s) and other applicable contact information for the governing authority which last ruled on the landowner's zoning application.

Street address (No P.O. Boxes): \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone numbers: \_\_\_\_\_

Cell phone numbers: \_\_\_\_\_

14. Name and contact information for highest-ranking full-time staff individual responsible for the authority which denied the landowner's zoning application.

Name: \_\_\_\_\_

Contact information: \_\_\_\_\_

15. Attach to this form the final written decision of the governing authority which rejected the subject zoning application, together with any separate explanatory opinions, statements or justifications.

16. What is the latest status of the rejected zoning application for the proposed home placement? Please use separate sheets and attachments as necessary to explain relevant information pertaining to your zoning application, including, but not limited to, date filed, procedure involved, initial decision, intermediate appeals (if any) final decision, date of final decision, etc. Also, please attach any initial rejection, appeal documents, final decision, and transcripts (if any) of hearings or presentations.

17. Is the landowner willing to participate in further proceedings/actions to advance the zoning application and/or overrule a final administrative rejection of the underlying application to the highest court, either state or federal?

18. Please state any other available relevant and/or helpful information that you can provide regarding this matter.

Submitted by: \_\_\_\_\_ (Highest-ranking full-time staff).

Title: \_\_\_\_\_

Name of association: \_\_\_\_\_

Address (No P.O. Boxes): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

Signature: \_\_\_\_\_